

REMARKS

As a preliminary matter, Applicants traverse the outstanding Office Action in its entirety as being nonresponsive. The Examiner claims, on page 2 of the outstanding Office Action, to have considered Applicants' previous arguments, but does not comment on the arguments because they are "moot in view of the new grounds of rejection." The Examiner, however, has not cited any new grounds of rejection. The Examiner merely rejects the same claims (1, 8, 61, and 67-69) that were rejected in the previous Office Action (Paper No. 111204), and on the basis on the same Lien reference (U.S. 6,493,050). Applicants though, have already fully traversed all portions of any of the previous rejections that were based on the Lien reference, and the Examiner is obligated to at least give consideration to these arguments before repeating the same basis for rejection. Accordingly, all of the previous arguments, and particularly those that directly discuss the Lien reference, are incorporated by reference herein. Applicants respectfully request that the Examiner actually give consideration to these arguments, and withdraw the rejection based on Lien.

As a second preliminary matter, with respect to claims 61 and 67-69, the Examiner does not even appear to have considered these claims in the outstanding Office Action. The features that are specifically recited in these claims are not discussed by the Examiner at all. Accordingly, the Examiner must vacate the outstanding Office Action, and give full consideration to both the previous arguments that already traversed the same rejection based on the same Lien reference, and give full consideration to claims 61 and 67-69 before he rejects them.

Applicants therefore traverse the repeated rejection of claims 1, 8, 61, and 67-69, now under 35 U.S.C. 102(e), based on Lien. With respect to claims 1 and 8, the Examiner has already withdrawn this rejection once before, and the Examiner has failed to further establish a *prima facie* case of anticipation. Lien does not show directly adjacent terminal edges of color filters being covered by cell gap adjusting spacers.

Neither Figs. 1A nor 17 of Lien, as relied upon by the Examiner, show directly adjacent terminal edges of color filters being formed under cell gap adjusting spacers. The Examiner asserts that the post spacers 108, 602 are analogous to the cell gap adjusting spacers of the present invention. Assuming that this analogy were correct, the Examiner has not demonstrated where the prior art reference teaches (or suggests) that these spacers 108, 602 cover terminal edges of the color filters that are directly adjacent.

Fig. 1A of Lien does not show any adjacent edges of color filters at all, let alone terminal edges that are directly adjacent. Fig. 17 of Lien, on the other hand, does show that the terminal edges of the first color filter layer 504 (numbered in Figs. 15-16) and the third color filter layer 512 are directly adjacent, but are not located under the post spacer 602. The post spacer 602 only covers overlapping portions of the first color filter layer 504 and the second color filter layer 510, but the terminal edges of these two filters are not directly adjacent to each other under the spacer 602.

Applicants remind the Examiner that this issue was already fully addressed in Amendment B, filed July 20, 2004, and in response to the identical Section 102(e) rejection based on the same Lien reference. The Examiner has already withdrawn this

rejection after Applicants clarified claims 1 and 8 to define that the edges of the color filters that are covered by the spacer are not merely adjacent, but that these edges are terminal edges, and that these terminal edges are directly adjacent. The Examiner has not provided a single reason on the record for why he has reversed his earlier decision to withdraw the Section 102(e) rejection of claims 1 and 8 based on Lien. Accordingly, the rejection must now be traversed.

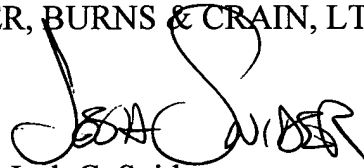
With respect to claims 61 and 67-69, Applicants should not be required to provide any further arguments against this rejection. The Examiner has not even discussed the features of these claims in the outstanding rejection, and the Examiner has already specifically determined (page 3, lines 6-8 of Paper No. 111204) that Lien does “not disclose the cell gap adjusting spacers are...formed over a black matrix formed on one of the pair of substrates.” Independent claims 61 and 67-68, on the other hand, expressly feature that both of the first and second spacers are formed over a black matrix formed on the substrate. It should be noted that neither of Figs. 1A or 17 in Lien even show a black matrix. Perhaps the Examiner meant to allow claims 61 and 67-69, but inadvertently failed to properly record this allowance in the Office Action Summary, or remove reference to these claims from the previous rejection.

For all of the foregoing reasons, Applicants submit that this Application, including all of claims 1, 8, 23, 32-41, 57, 59-61, 63, and 65-69, are in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By

A handwritten signature in black ink, appearing to read "JCSNIDER", is written over the printed name "Josh C. Snider".

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